

RICHARD F. KLINEBURGER, III, :  
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 : CIVIL ACTION  
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 Plaintiff, :  
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 v. : No. 16-5637  
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 TINA M. TIERNEY KELL, JAMES R. WOLSKY, :  
 :  
 MAKR STAFFING INC., and VERSATILE :  
 :  
 CONCEPTS, :  
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 Defendants. :  
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**AND NOW**, this 1st day of May, 2017, upon consideration of Defendants, James R. Wolsky, MAKR Staffing Inc., and Versatile Concepts’ (collectively, “Defendants”) Motion to Dismiss Plaintiff’s Amended Complaint (Doc. No. 9), Plaintiff, Richard Klineburger, III.’s (“Plaintiff”) Response in Opposition thereto, and Defendants’ Reply Brief, it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**. Counts I and II of Plaintiff’s Amended Complaint are **DISMISSED WITH PREJUDICE**. We decline to exercise supplemental jurisdiction over Counts III, IV, V and VI of the Amended Complaint, and such claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff’s right to file his state law claims in the appropriate state court. The Clerk of Court is directed to mark this case **CLOSED**.

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE